

ENTERED

December 21, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****DALE VAUGHN, on behalf of himself and
on behalf of all others similarly situated,** §**Plaintiff,** §**VS.** §**WINGO SERVICE COMPANY, INC.,** §**Defendant.** §**CIVIL ACTION NO. 4:20-CV-03915****ORDER**

Before the Court is Defendant Wingo Service Company, Inc.’s (“Wingo”) Motion for Judgment as a Matter of Law. (Doc. No. 54). Plaintiff Dale Vaugh (“Vaughn”) filed a Response in Opposition. (Doc. No. 56). After considering the jury’s finding, the motions, and the law, the Court hereby **DENIES** Defendant’s Motion for Judgment as a Matter of Law. (Doc. No. 54).

I. Discussion

It is appropriate for a court to grant judgment as a matter of law when there is “there is no “legally sufficient evidentiary basis” for “a reasonable jury ... to find for the party on that issue” on which it prevailed at trial. Fed. R. Civ. P. 50(a); *Laxton v. Gap Inc.*, 333 F.3d 572, 577 (5th Cir. 2003). “Evidence is legally insufficient where the facts and inferences point so strongly and overwhelmingly in favor of the moving party that reasonable jurors could not arrive at a contrary verdict.” *N. Cypress Med. Ctr. Operating Co. v. Aetna Life Ins.*, 898 F.3d 461, 473 (5th Cir. 2018) (internal quotes omitted). The court “must examine the evidence as a whole,” *MultiPlan, Inc. v. Holland*, 937 F.3d 487, 494 (5th Cir. 2019), and “draw all reasonable inferences in the light most favorable to the verdict.” *Allstate Ins. v. Receivable Fin. Co.*, 501 F.3d 398, 405 (5th Cir. 2007)

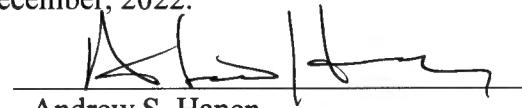
Generally, courts “accord great deference to the jury’s verdict when evaluating the sufficiency of the evidence.” *Thomas v. Texas Dep’t of Criminal Justice*, 220 F.3d 389, 392 (5th Cir. 2000).

At trial, the jury decided that Defendant willfully violated the Fair Labor Standards Act (“FLSA”) when it failed to pay Vaughn overtime wages. In its Motion for Judgment as a Matter of Law, the Defendant argues that there is “no evidence to support the jury’s finding that Wingo *willfully violated the FLSA.*” (Doc. No. 54 at 1). While the evidence in support of the jury’s finding is not overwhelming, there is sufficient evidence to support the verdict. For that reason, the Court **DENIES** Defendant’s Motion for Judgment as a Matter of Law. (Doc. No. 54).

II. Conclusion

Accordingly, Defendant’s Motion for Judgment as a Matter of Law (Doc. No. 54) is **DENIED**.

Signed at Houston, Texas, this 21st day of December, 2022.



Andrew S. Hanen
United States District Judge